

City of Somerville, Massachusetts
Matters of business of the Board of Aldermen

MINUTES OF THE REGULAR MEETING

February 12, 2004, 7:00 PM
Aldermanic Chambers

NOTICE: This is NOT the official version of the Board of Aldermen's minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the City Clerk.

PRESENT for all or part of the meeting: President Denise Provost, Vice President Bruce M. Desmond, Aldermen Dennis M. Sullivan, William A. White Jr., William M. Roche, Maryann M. Heuston, Thomas F. Taylor, Walter F. Pero, Sean T. O'Donovan, John M. Connolly, Robert C. Trane.

OPENING OF THE MEETING

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| 1. | Call of the Roll. | 175882
Placed on File |
| 2. | Reading and approval of the minutes of the Organizational Meeting of January 5, 2004, and the Regular Meeting of January 8, 2004. | 175883
Approved |

PUBLIC HEARINGS

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| 3. | Petition | <u>New Garage License</u>
Hi-Tech Auto Body II, 1 Union Sq., 40 vehicles. | 175884
Licenses and Permits |
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ORDERS, ORDINANCES, RESOLUTIONS
AND MOTIONS OF MEMBERS

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| 4. | Citation | By Ald. Taylor and the Entire Board, Congratulating Enrico and Patricia DelMedico on the occasion of their 52 nd wedding anniversary. | 175885
Adopted |
| 5. | Citation | By Ald. Roche, White and Taylor, Commending Rev. Joseph Downey on the happy occasion of his retirement after 59 years in the Priesthood. | 175886
Adopted |
| 6. | Citation | By Ald. Roche, Commending Joseph Tagliante, Proprietor of the Tage Inn, for his generosity during January's record-setting cold weather. | 175887
Adopted |

7.	Citation	By Ald. Roche, Commending Somerville's KMart and its employees for their generosity during January's record-setting cold weather.	175888 Adopted
8.	Citation	By Ald. Heuston, Commending Somerville's Target and its employees for their generosity during January's record-setting cold weather.	175889 Adopted
9.	Citation	By Ald. O'Donovan, Commending Marion Joyce for her generosity following the Pearson Ave. fire.	175890 Adopted
10.	Resolution	By Ald. Pero, Roche and Sullivan, That this Board hereby acknowledges the service of WW II veteran Martin M. Polignone and offers its sincere thanks for his devotion to duty in defense of our great nation.	175891 Adopted
11.	Resolution	By Ald. Trane, That this Board requests that the Mayor and Chamber of Commerce provide updates on any plans the city has for the Democratic National Convention, how city businesses may benefit and what impact if any the convention will have on Somerville.	175892 Adopted
12.	Order	By Ald. Trane, That the Director of Traffic and Parking make every effort to apply the boot to cars of parking ticket scofflaws that owe amounts greater than \$200.	175893 Adopted
13.	Order	By Ald. Trane, That the Director of Information Technology put in place an email and voice mail system that will notify city residents of snow emergencies, school closings and other emergencies that may arise.	175894 Adopted
14.	Order	By Ald. Trane, That the Chief of Police direct the detective bureau to investigate bringing charges against the officers of Walnut Hill Properties, as owners of the disorderly house at 114 Curtis St.	175895 Adopted
15.	Order	By Ald. Trane, That the Chief of Police direct special patrols to the Tufts area for underage drinking, public intoxication, disturbing the peace, driving under the influence, public lewdness, providing alcohol to minors and other offenses, and make arrests for any and all violations that officers witness.	175896 Adopted
16.	Order	By Ald. Roche, That the Chief of Police monitor New Washington St. from dusk to dawn as refrigeration trucks are parking there overnight with their engines running, disturbing the tenants of the Cobble Hill Apts.	175897 Adopted

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| 17. | Order | By Ald. Roche, That the Chief of Police monitor the traffic light in front of the Cobble Hill Apts. as tenants have stated that vehicles are running the red light on a consistent basis. | 175898
Adopted |
| 18. | Order | By Ald. Roche, That the Superintendent of Inspectional Services and the Director of Health jointly investigate the vacant building at 11 Sunnyside Ave. to determine if it poses a safety hazard as neighbors claim that vagrants inhabit the premises and debris is scattered about. | 175899
Adopted |
| 19. | Resolution | By Ald. Roche, That this Board hereby requests that the Board of Health reconsider its decision not to hold a public hearing on regarding the smoking ban, as public input is vital to the integrity of any civic decision making process. | 175900
Adopted |
| 20. | Order | By Ald. Pero, That the Director of Traffic and Parking replace the STOP sign and the parking restriction signs at the corner of Medford and Thurston Sts. | 175901
Adopted |
| 21. | Order | By Ald. Pero, That the Commissioner of Public Works request the MDC to clear the trash and debris from the sidewalks and roadways along Fellsway West and Shore Dr. | 175902
Adopted |
| 22. | Order | By Ald. Pero, That the Superintendent of Inspectional Services cite the property owner at the corner of Medford and Lee Sts. for failure to remove snow from the sidewalk. | 175903
Adopted |
| 23. | Order | By Ald. Pero, That the Director of Traffic and Parking repair the NO ACCESS TO ASSEMBLY SQUARE sign at the corner of Temple Rd. and Mystic Ave. | 175904
Adopted as Amended:
That the City examine pedestrian access to Assembly Sq. from Ten Hills and Winter Hill; Copy to Legislative Matters |
| 24. | Order | By Ald. Pero, That the Chief of Police assign a school crossing guard to the corner of Medford and Thurston Sts. | 175905
Adopted |
| 25. | Order | By Ald. Desmond and Connolly, That the Director of Traffic and Parking replace the STOP sign and pole at the corner of Elston and Summer Sts. as it has graffiti on it and is leaning into the path of pedestrians. | 175906
Adopted |
| 26. | Order | By Ald. Desmond and Heuston, That the Commissioner of Public Works remove the graffiti on the mail box at the corner of Central St. and Somerville Ave. | 175907
Adopted |

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| 27. | Order | By Ald. Desmond and Heuston, That the Director of Traffic and Parking inspect the walk signals at the corner of Beech St. and Somerville Ave., across from the skating rink, and report back to this Board as to why they are covered with plastic bags. | 175908
Adopted |
| 28. | Order | By Ald. Desmond and O'Donovan, That the Director of Traffic and Parking replace or repair the NO OUTLET sign at the corner of Porter St. and Mountain Ave. as it appears to have been struck by a car and is bent backwards leaning over someone's private property. | 175909
Adopted |
| 29. | Order | By Ald. Desmond and Pero, That the Director of Traffic and Parking replace the SPEED LIMIT sign in front of 349 Broadway that has been painted over. | 175910
Adopted |
| 30. | Order | By Ald. Desmond and Taylor, That the Commissioner of Public Works inspect the road condition for the entire length of Craigie St. and report back to this Board with recommendations for improvements. | 175911
Adopted as Amended:
That Craigie St. be placed on the city list for reconstruction |
| 31. | Order | By Ald. Desmond and Taylor, That the Director of Traffic and Parking replace the NO PARKING signs at the corner of Bow St. and Somerville Ave. and in front of 191 Summer St. as they are completely faded and serving no purpose. | 175912
Adopted |
| 32. | Order | By Ald. Desmond and Taylor, That the Director of Traffic and Parking replace or repair the CHILDREN CROSSING sign located across from 71 Central St. as it is bent and covered with graffiti and is not readable. | 175913
Adopted |
| 33. | Order | By Ald. Desmond and Taylor, That the Director of Traffic and Parking replace the STOP signs at the corner of Oxford and Central Sts. and at the corner of Benton Rd. and Summer St. as they have been covered with graffiti and are unreadable. | 175914
Adopted |
| 34. | Order | By Ald. Desmond and Taylor, That the Commissioner of Public Works repair the sidewalk and remove the sign stump on Central St. at Highland Ave., next to the convenience store. | 175915
Adopted |
| 35. | Order | By Ald. Connolly, That the Commissioner of Public Works notify the electric utility company to repair or replace the streetlamps between Grove St. and College Ave., on the even side of Winslow Ave., as all lamps have been cycling on and off over a period of weeks. | 175916
Adopted |

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| 36. | Order | By Ald. Connolly, That the Commissioner of Public Works consider relocating the catch basin outside 414 Highland Ave. closer to the driveway at 420 Highland Ave. in order to prevent flooding of the pedestrian sidewalk during heavy rainstorms and snow melts. | 175917
Adopted |
| 37. | Order | By Ald. Connolly, That the Director of Traffic and Parking work with the Traffic Commission to extend the parking limit outside the convenience store at Willow and Morrison Aves. to 30 minutes, from the present 15 minutes. (2 nd request.) | 175918
Adopted |
| 38. | Order | By Ald. Connolly, That the Director of Traffic and Parking repair or replace the NO PARKING-FIRE LANE sign at Villa Ave. and Elm Court ASAP. | 175919
Adopted |
| 39. | Order | By Ald. Heuston, That the Director of Traffic and Parking repair the cross walk signals at the intersection of Park and Beacon Sts. | 175920
Adopted |
| 40. | Order | By Ald. Heuston, That the Commissioner of Public Works contact NStar to investigate a strong odor of gas on Webster Ave. from Washington to Prospect Sts. | 175921
Adopted |
| 41. | Order | By Ald. Heuston, That the Superintendent of Inspectional Services investigate 10-12 Allen St. for overcrowding and potential illegal use as rooming house and inspect the shed there for use as a dwelling. | 175922
Adopted |
| 42. | Order | By Ald. Heuston, That the Director of Health inspect the property at 38 Lincoln Pkwy. for improper disposal and storage of trash, as residents of this building are throwing trash from windows into the street. | 175923
Adopted |
| 43. | Resolution | By Ald. Taylor and Heuston, That this Board requests that the Administration convey to this Board any strategies to clean up the city, specifically addressing the various city squares, particularly Union Square and the City Hall/High School/Library Concourses. | 175924
Adopted |
| 44. | Order | By Ald. O'Donovan, That the Commissioner of Public Works notify the appropriate utility company that the utility pole in front of 5-7 Lowell Terrace needs to be replaced ASAP as it presents a public health hazard. | 175925
Adopted |
| 45. | Resolution | By Ald. O'Donovan, That this Board hereby conveys its sincere appreciation to Crossing Guard Anthony "Tony" Sacco for his diligence and dedication to the school children of the city. | 175926
Adopted |

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| 46. | Resolution | By Ald. Provost, That this Board hereby requests that the Executive Dept. inform this Board regarding the status of the Municipal Real Estate Advisory Committee, including its current membership, meeting schedule and plans. | 175927
Adopted |
| 47. | Order | By Ald. Provost, That the Director of Communications, or other appropriate city officer, report to this Board whether the major cable "dig" authorized by this Board in 2000 has provided homes and businesses with high-speed internet capability, and if so, at what cost and how these costs compare to those in other urban markets. | 175928
Adopted |
| 48. | Order | By Ald. Provost, That the Commissioner of Public Works inform this Board whether the cable and other utility companies authorized to perform major "dig" work in the public ways since 2000, can be made to repair sinking, splitting and other public way defects which they were obliged to restore as conditions of their permits. | 175929
Adopted |
| 49. | Order | By Ald. Provost, That the Director of Communications explain to this Board why, in the portions of the city's website which refer to "opportunities," "RFPs" and "bids," the availability of the RFP for the Conwell School is not presently listed, and make sure that this opportunity is immediately listed on the website. | 175930
Adopted |
| 50. | Order | By Ald. Provost, That the Commissioner of Public Works give this Board, the School Committee and the School Dept. a written statement of the feasibility and estimated cost of remediating any fire safety problems with the "orchestra room" at the High School | 175931
Adopted |
| 51. | Order | By Ald. Provost, That the Chief Fire Engineer inform this Board, the School Committee and the School Dept., in writing, as to the specific ways in which the "orchestra room" at the High School fails to meet fire safety regulations. | 175932
Adopted |
| 52. | Order | By Ald. Provost, That the City Solicitor inform this Board whether Somerville has accepted the provisions of Chapter 203 of the Acts of 1998. | 175933
Adopted |
| 53. | Order | By Ald. Provost, That the Commissioner of Public Works contact NStar to replace the flickering streetlight bulbs at 43 Montrose and 17 Albion Sts. | 175934
Adopted |
| 54. | Order | By Ald. Provost, That the Commissioner of Public Works make such adjustments as are necessary to keep the lights at the rear of the High School, the Capuano School and Conway Park from shining into homes at night so as not to disturb the sleep of residents. | 175935
Adopted |

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| 55. | Resolution | By Ald. Provost and Taylor, That the City ask the Office of Commonwealth Development for its collaboration and technical assistance in the planning for Assembly Square. | 175936
Adopted; Copy to
Legislative Matters |
| 56. | Order | By Ald. Provost and Taylor, That the Commissioner of Public Works have the responsible party or parties remove the construction debris and trailer from city property adjacent to the School St. bridge and replace the mature trees that were cut down in connection with the bridge reconstruction project. | 175937
Adopted |

UNFINISHED BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

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| 57. | Mayor's Request | Requesting approval of the transfer of \$40,000 from Debt Service Interest on Notes BAN Acct. and \$40,000 from Damage to Persons and Property Judgments and Settlements Acct., to Law Dept. Legal Services Acct. | 175938
Laid on Table |
| 58. | Mayor's Request | Requesting that various city owned equipment, currently under the care of the DPW, be declared surplus city property and made available for sale. | 175939
Finance |
| 59. | Mayor's Request | Requesting approval to expend a \$95,672 grant awarded to the Police Dept. from the US Dept of Justice COPS/Homeland Security Office. | 175940
Finance |
| 60. | Mayor's Request | Requesting approval to expend a \$52,054 grant awarded to the City from the US EPA to assist Stormwater Management Planning. | 175941
Finance |
| 61. | Mayor's Request | Requesting approval to expend a \$9,820 grant awarded to the City from the Toxic Use Reduction Institute. | 175942
Finance |
| 62. | Mayor's Request | Requesting approval to retain the law firm of Palmer & Dodge as outside counsel with special expertise in areas pertinent to Assembly Square. | 175943
Rules Suspended and
Approved |
| 63. | Mayor's Request | Requesting the extension of a contract with Boston Sign Company for an installation at Conway Park. | 175944
Finance |
| 64. | Mayor's Request | Requesting an amendment to the salary ordinance, changing the annual salary for the Purchasing Director to \$60,000. | 175945
Finance & Legislative
Matters |
| 65. | Mayor's Request | Requesting confirmation of the appointment of Elizabeth Hayward of 681 East Second St., Boston, to the position of Purchasing Director. | 175946
Conf. of Appointment |

REPORTS OF COMMITTEES

66.	Comm. Report	<u>Report of the Committee on Licenses and Permits, Jan. 27.</u>	175947 Adopted
66A.	Public Occ.	Tufts Cycling Team bike race on university & city roads for collegiate & USCF categories, April 3, 7AM-6PM	175868 Approved with Conditions: Subject to Police, Fire, & Traffic and Parking approval, and Committee review within 30 days to finalize plans
67.	Comm. Report	<u>Report of the Committee on Legislative Matters, Jan. 27.</u>	175948 Adopted
67A.	Order	By Ald. Taylor, Provost, Desmond, Connolly and White, That OHCD recommend to this Board strategies for reducing damage to turf by dogs, the feasibility of establishing dog runs in the city, and the advisability of modifying the city's leash law at these locations.	175949 Adopted
67B.	Ordinance	Proposing a new Article 9 - Offenses against Public Health as described within.	168878 Adopted as Amended, Enrolled and Ordained
67C.	Ordinance	That Section 15-1 of the City Ethics Ordinance be amended by changing the definition of designated municipal officials to include all project managers of construction projects in excess of \$1,000,000.	174965 Adopted as Amended by #175867, Enrolled and Ordained
67D.	Order	That the proposed zoning amendment titled the Somerville Residential Neighborhood Protection Ordinance be re-submitted to the Planning Board.	175021 Placed on File
67E.	Ordinance	City Solicitor responding to #174059 re: prohibiting skateboarding in the area of Central Hill Park.	175866 Adopted, Enrolled and Ordained
67F.	Comm. City Officer	City Solicitor re: amending the Ethics Ordinance (Ch. 15).	175867 Approved
68.	Comm. Report	<u>Report of the Committee on Legislative Matters, Feb. 3.</u> No papers.	175950 Adopted
69.	Comm. Report	<u>Report of the Committee on Legislative Matters, Feb. 10.</u> No papers.	175951 Adopted

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| 70. | Comm.
Report | <u>Report of the Committee on Youth Services, Feb. 10.</u>
No papers. | 175952
Adopted |
| 71. | Comm.
Report | <u>Report of the Joint Committee on Housing and
Community Development and Finance, Feb. 11.</u>
No papers. | 175953
Adopted |

COMMUNICATIONS FROM CITY OFFICERS

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| 72. | City Officer
Comm. | Chief Fire Engineer responding to #174744 re: Fire Dept.
overtime budget for FY04. | 175954
Finance |
| 73. | City Officer
Comm. | Sealer of Weights & Measurers responding to #175845 re:
monitoring stores that use bar code pricing. | 175955
Placed on File |
| 74. | City Officer
Comm. | Traffic Engineer responding to #175828 re: right-of-way
issue at Broadway and Boston Ave. | 175956
Placed on File |
| 75. | City Officer
Comm. | Board of Health Member Cecilia Sosa-Patterson re:
February 12, 2004, Board of Health meeting quorum. | 175957
Placed on File |
| 76. | City Officer
Comm. | City Solicitor responding to #175125 re: Installation of
speed bumps on private ways. | 175958
Placed on File |
| 77. | City Officer
Comm. | Assistant City Solicitor re: Senate Counsel's Request for
Roll Call Vote on the Gang Loitering Home Rule Petition. | 175959
Legislative Matters |

NEW BUSINESS

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| 78. | Public Occ. | <u>Public Property Occupancy Permit</u>
2 nd Annual Mary O'Brien Memorial Run for Cancer,
Dilboy VFW, Davis Sq., May 9 at 9:45AM. | 175960
Rules Suspended and
Approved |
| 79. | Public Occ. | Little League of Somerville, Opening Day Parade &
Ceremony, Highland Ave. to Trum Field, April 17, 10AM-
Noon. | 175961
Rules Suspended and
Approved |
| 80. | Public Occ. | Little League of Somerville, Regular/Playoff Season
Games at Hodgkins, Conway and Lincoln Parks and Trum
Field, Apr. 1–Nov. 15, Mon.-Fri. 3PM-Dusk, Sat.-Sun.
7AM-Dusk. | 175962
Rules Suspended and
Approved |
| 81. | Public Occ. | Somerville Youth Roller Hockey League, Conway Park
outside rink and Albion Park rear, Apr. 2–Nov. 22, 7AM-
Dusk. | 175963
Rules Suspended and
Approved |
| 82. | Public Occ | 5 th Annual David Brundage Road Race/Walk, Davis Sq.,
June 6 at 10AM. | 175963A
Rules Suspended and
Approved |

83.	Used Car Lic.	<u>Renewal of Second Hand Auto License, Class II</u> Foreign Body Works Inc., 593 Somerville Ave.	175964 Licenses and Permits
84.	Used Car Lic.	Fabrizio Auto Sales, 290R Somerville Ave.	175965 Licenses and Permits
85.	Used Car Lic.	Webster Auto Body Co., 69 Webster Ave.	175966 Licenses and Permits
86.	Used Car Lic.	<u>Renewal of Second Hand Auto License, Class III</u> Pearl St. Auto Sales Inc., 180 Pearl St.	175967 Licenses and Permits
87.	Used Car Lic.	Webster Auto Body Co., 69 Webster Ave.	175968 Licenses and Permits
88.	Garage Lic.	<u>Renewal of Garage License</u> Mike's Auto Service, 297 Medford St.	175969 Licenses and Permits
89.	Flammable	<u>Renewal of Flammable License</u> Pearl St. Auto Sales Inc., 182 Pearl St.	175970 Licenses and Permits
90.	Taxi Medallion	<u>Transfer of Taxi Medallion</u> Pena Cab Inc. transferring #3 to Country Club Transportation Inc.	175971 Rules Suspended and Approved
91.	Taxi Medallion	Pena Cab Inc. transferring #4 to Country Club Transportation Inc.	175972 Rules Suspended and Approved
92.	Bond	<u>Public Official's Bond</u> John Long, City Clerk.	175973 Rules Suspended and Approved
93.	Bond	John McGinn, Tax Collector.	175974 Rules Suspended and Approved
94.	Bond	John McGinn, Treasurer.	175975 Rules Suspended and Approved
95.	Claim	<u>Notice of Claim</u> Robin Fahey.	175976 Placed on File
96.	Claim	Sue MacLaren.	175977 Placed on File
97.	Claim	Vincent A. LoPresti.	175978 Placed on File

98.	Claim	A. Griffin.	175979 Placed on File
99.	Claim	Hyoungshin Park.	175980 Placed on File
100.	Claim	Arlex Oil Corp.	175981 Placed on File
101.	Claim	Mona Raymond.	175982 Placed on File
102.	Claim	Luke Antolini.	175983 Placed on File

ITEMS RECEIVED AFTER 2:00 PM

103.	Mayor's Request	Requesting approval of the draft One Year Action Plan for HUD funding.	175984 Rules Suspended and Approved
104.	Mayor's Request	Requesting that a 2003 Chevy Trailblazer be declared surplus city property and made available for sale.	175985 Finance
105.	City Officer Comm.	DPW Commissioner responding to various Board Orders.	175986 Placed on File
106.	Order	By Ald. Heuston and White, That all BOA license applications be accompanied by proof of paid taxes.	175987 Adopted
107.	Mayor's Comm.	Responding to an undated letter from the Office for Commonwealth Development's Special Assistant for Sustainable Development.	175988 Legislative Matters, Ald. Pero and Trane opposed
108.	Order	By Ald O'Donovan, That the City Clerk send a request to Mr. Douglas Foy, Chief of the Office of Commonwealth Development, asking that he comment on the attached letter.	175989 Adopted
109.	Order	By. Ald. White, that the City Solicitor or her designee attend the next regularly-scheduled meeting of this Board to discuss Item #57.	175990 Adopted
110.	Order	By Ald. Provost, That the City Solicitor obtain a clarification from the State Senate Counsel as described within.	175991 Adopted

Submitted by John J. Long, City Clerk